

STATE OF TENNESSEE

Office of the Attorney General



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EXECUTIVE SECRETARY

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Reply to:
Consumer Advocate and Protection Division
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December 7, 2001

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: Complaint of XO Tennessee, Inc. Against BellSouth Telecommunications, Inc.

Complaint of Access Integrated Network, Inc. Against BellSouth
Telecommunication, Inc.

Docket No. 01-00868

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of the Consumer Advocate's comments on BellSouth's Brief Addressing Section 65-4-122. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Chris Allen

Enclosures

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Dear Mr. Waddell:

The Consumer Advocate and Protection Division wants to take this opportunity to comment on BellSouth's Brief Addressing Section 65-4-122 filed with the Authority on November 13, 2001. The only issue the Hearing Officer requested a brief on was the sole issue of whether the Authority is a court for purposes of Tenn.Code Ann §65-4-122. See Hearing Officer's Order dated November 16, 2001 at page 12. BellSouth went beyond this issue in asserting the Authority has no authority to impose a fine in this Docket. See BellSouth's Brief at page 3.

Since BellSouth went beyond the issue that the Hearing Officer raised, this office does not feel compelled to respond at this time. However, should the Hearing Officer decide that this issue also needs to be addressed this office requests to be informed so we may be given the opportunity to respond.

Sincerely,

Chris Allen